

GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department – Land Acquisition for House Sites – Karimnagar District – Janagaon Village Ramagundam Mandal – Land Acquired for provision of house sites to the weaker section people – Sanction of Rs. 19,00,780/- towards payment of half of the decretal charges in LAASMP No.2335/2007 in LAAS No.1051/2007 in O.P. No. 74/96 – Orders Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O Rt.No. 10

Dated: 07.01.2013

Read the following

1. From the Dist Collector, Karimnagar Lr No.G5/6127/2008, dated 30.9.2008.
2. From the CSW A.P., Hyderabad Lr.No.LA-1/10501/2008, dated 01.3.2011.
3. Govt Memo No.3140/SW.LA-2/3140/2011, dated 07.4.2012.
4. From the Spl CS&CCLA, A.P., Hyderabad Lr.No.SRP3/79/2012, dt.12.6.2012.

ORDER:

In the reference 4th read above, the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the decretal charges proposal submitted by the Commissioner of Social Welfare, A.P., Hyderabad in OP.No.74/96 of Jangoan Village, Ramagundam Mandal of Karimnagar for scrutiny, the proposals have been scrutinized. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the LAO/RDO, Peddapalli has acquired land an extent of Ac.32-23 Gts situated at Jangaon Village, Ramagundam Mandal for providing house sites to the weaker sections and paid compensation to the concerned at Rs.18,500/- per acre, vide Award Procs.No.B/2489/95, dated 29.3.1996. Aggrieved by the said orders, the awardees for an extent of Ac.26-05 Gts have filed petitions U/s 18 of the LA Act with a request to refer the matter to the Civil Court for adjudication. On a reference, the Hon'ble Sr. Civil Judge, Pedapalli, in his orders dated 22.03.2005 in OP.No.74/96 has enhanced the compensation from Rs.18,500/ to 80,000/- per acre for dry lands U/s 23(1) of LA Act, together with 30% Solatium, interest at 9% p.a to the claimant from the date of taking possession for a period of one year i.e., from 01.8.1993 and thereafter at 15% p.a till the realization of enhanced compensation and Solatium. Aggrieved by the Lower Court orders, an appeal has been filed by the LAO/RDO, Peddapalli, before the Hon'ble High Court of A.P., The Hon'ble High Court in its orders dated 29.11.2007 in LAASMP No.2335/2007 in LAAS No.1051/2007, has granted interim stay on condition of depositing half of the enhanced compensation in OP.No.74/96. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that when the District Collector, Karimnagar was requested to clarify the discrepancy in calculation of interest, the District Collector, Karimnagar vide her Lr dated 13.4.2012 has clarified that the DN U/s 4(1) of the LA Act has been published on 18.3.96. Whereas the possession of the land has been taken over prior to publication of DN i.e., on 01.8.1993. The Government in Memo No.43944/LA(A2)/2007, dated 12.9.2007 have informed that the Apex Court in its orders dated 12.3.2004 in RL Jain Vs DDA in 5515/97 held that the possession taken prior to DN is not possession within the meaning of Land Acquisition Act and accordingly no interest or additional value is payable for the period which is prior to the date of DN and issued the following guidelines.

- i) In case where advance possession is taken prior to DN date, , no interest should be awarded by the LAO from the date of possession of the land to the date of DN. The interest should be awarded only from the date of DN till the date of award/payment.
- ii) No additional value will be payable in cases where possession of the land is taken prior to the DN date.
- iii) However, the land owner entitled for damages/rent for the period from the date of possession of the land to the date DN. For payment of

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damages/rent, the LAO shall determine the market value (MV) of the land as on the actual date of possession and award interest from the date of possession till date of DN on such award interest from the date of possession till date of DN on such MV at the prevailing interest rate on Public Provident Fund from time to time.

- iv) The orders of the Courts that are issued after 12.3.2004 however interest and additional value is awarded contrary to the decision of Supreme Court orders dated 12.3.2001, need to be reviewed by the court concerned. Hence, a revision petition should be filed before the court concerned quoting the said Supreme Court judgment, provided the Net financial commitment to Government on account of interest payable for such period (from possession dated to DN date) and 12% Addl Market Value is more than Rs.1.00 Lakh.

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad has further stated that the District Collector, Karimnagar has submitted proposals and requested for sanction an amount of Rs.19,00,780/- towards payment of half of the decretal charges in OP.No.74/96 for the land acquired to an extent of Ac.26.05 situated at Jangaon Village, Ramagundam Mandal of Karimnagar District, for providing house sites to the weaker section people, towards the half of the decretal charges calculating interest from the date of DN only i.e., 18.3.1996.

2. The Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad after verification and scrutiny of the proposals submitted by the Dist Collector, Karimnagar/Commissioner of Social Welfare, A.P., Hyderabad has sent comparative calculation sheet and requested the Government for sanction of an amount of Rs.19,00,780/- towards payment of half of the decretal charges in OP.No.74/96, for the land acquired to an extent of Ac.26.05 situated at Jangaon Village, Ramagundam Mandal of Karimnagar District, for providing house sites to the weaker section people, and requested the Government for issue necessary orders in the matter.

3. Government, after careful examination of the above proposal, hereby accord permission to the Commissioner of Social Welfare, A.P., Hyderabad for release an amount of Rs.19,00,780/- (Rupees Nineteen lakhs Seven hundred and Eighty only) to the District Collector, Karimnagar, towards payment of half of the decretal charges, as per Hon'ble High Court Interim orders dated 29.11.2007 in LAASMP No.2335/2007 in LAA.S No.1051/2007 in O.P.No.74/1996, in respect of the land acquired to an extent of Ac.26.05 situated at Jangaon Village, Ramagundam Mandal of Karimnagar District, for providing house sites to the weaker section people, subject to out come of the said case.

4. The expenditure sanctioned in para (3) above shall be met within the BE.2012-13 and debited to the following Head of Account.

“2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid”.

5. The Commissioner of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Karimnagar to comply with the Hon'ble High Court Interim orders dated 29.11.2007 in LAASMP No.2335/2007 in LAA.S.No.1051/2007 in OP.No.74/96.

6. The District Collector, Karimnagar shall verify the calculation sheet submitted by the Land Acquisition Officer once again, in terms of Opinion of the Commissioner of Legal Affairs, O/o the Special Chief Secretary & Chief Commissioner of Land Administration, A.P., Hyderabad communicated in their Lr No.G1/1297/2009, dated 07.01.2011 before issue of Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

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7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Esp.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Special Chief Secretary & Chief Commissioner of Land Administration, A.P.,
Hyderabad

The Commissioner of Social Welfare, A.P., Hyderabad,
The District Collector, Karimnagar

Copy to:

The Director of Treasury & Accounts, A.P., Hyderabad,

The Accountant General, A.P., Hyderabad,

The District Treasury Officer, Karimnagar District.

Finance (Expr.SW/BG) Department

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER